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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 December 2007_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-95_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-95_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _9/5/03_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-95 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-33 and 35-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ananda, U.S. Patent 5,495,411 in view of Barber et al, U.S. Patent 5,390,297 in further view of Xu et al, U.S. Patent 6,915,425.

As per claims 1,10,11,14,18,20-23,40,42-46,48,49, and 81, Ananda discloses of a method for securing software to reduce unauthorized use, the method comprising obtaining registration information corresponding to an authorized device; generating an authentication code based on the registration information; associating the authentication code with the software; transferring the software to a primary user device; determining whether the device is authorized based on the authentication code associated with the software and registration information associated with the device; and controlling access to the software by the device based on whether the device is authorized (col. 3, lines

11-15 & 21-28; col. 4, lines 18-28; col. 6, lines 57-63; and col. 10, lines 4-15). Ananda

fails to disclose of combined teachings fail to disclose of a transferring software to a

secondary device. It is taught by Barber et al that licensed software can be used on

multiple workstations (secondary devices) and authorized is checked to see if the

transfer is permitted (col. 2, lines 21-36 & 49-67). It would have been obvious to a

person of ordinary skill in the art at the time of the invention to have been motivated to

allow multiple copies of licensed software to be used on different computers. The

teachings of Barber et al disclose of motivation for doing so by reciting of the need to

manage licenses that are to be run on multiple nodes (secondary devices) and to limit

the number of copies of a program the are executing simultaneously on the nodes of a

network which in turn protects the vendors protected software from being illicitly used

(col. 2, lines 6-9 and col. 3, lines 30-42). It is obvious that the teachings of Ananda

would have allowed the incorporation of Barber et al and the feature of limiting the

simultaneous copies to authorized computers.

The combined teachings fail to disclose of using an authorized representative

entity that is installed on or in the user device. It is taught by Xu et al of permitting

offline (non-continuous connection) playback of digital content files which includes

managing the related content rights (col. 2, lines 23-24). Keys are retrieved by the end

user's system and a license (authorized representative entity) is retrieved from a license

server which is installed on the end user's system, the license is required for playback

of the content file (col. 3, lines 11-19 and col. 5, lines 24-38). It would have been

obvious to a person of ordinary skill in the art at the time of the invention to have been

motivated to apply localized validation of licensed software. The teachings of Xu et al disclose of motivation for applying localized validation by reciting of the need to protect digital information and management of digital rights in an offline environment (col. 2, lines 15-19). It is obvious that the teachings of Ananda would have benefited from validation of licensed software by using the authorized representative installed in or on the user's device whereby the authorized representative would then be able to valid the use of licensed software offline on an enduser's system as taught by Xu et al.

As per claims 2,41,50 and 82, Ananda teaches wherein the software comprises digital content selected from the group consisting of data representing music, data representing video, instructions executable by a computer, code for an application program, code for an operating system component, code for a game, data representing a movie, data representing graphics, data representing watermarked works, data representing a magazine, and data representing a book (col. 1, lines 17-19).

As per claim 3, it is disclosed by Ananda wherein the step of transferring the software is performed before the steps of obtaining registration information, generating an authentication code, and associating the authentication code (col. 3, lines 11-15 & 21-28).

As per claim 4, it is taught by Ananda wherein the step of transferring comprises transferring the software from a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 5, Ananda discloses wherein the step of transferring comprises transferring the software electronically (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 6, Ananda teaches wherein the step of transferring comprises transferring the software from a network (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 7, it is disclosed by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed by an authorized representative entity (col. 3, lines 57-63 and col. 9, lines 35-36). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights and of the authorized representative entity being installed in or on the user device (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 8, the teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights and of the authorized representative entity being installed in or on the user (primary) device (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 9, Ananda discloses wherein the authorized representative entity is installed on or in the current secondary user device (col. 10, lines 4-15).

As per claim 12, it is taught by Ananda of obtaining registration information corresponding to the primary user device; generating an authentication code based on the registration information; associating the authentication code with the software; and

controlling access to the software by a current primary user device based on whether

the current primary user device is authorized (col. 3, lines 11-15 & 21-28 and col. 10,

lines 4-15).

As per claim 13, Xu et al is relied upon for installing an authorized representative

entity on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines

11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the

aspect of offline validation as is disclosed by Xu et al.

As per claim 15, Xu et al is relied upon for the authorized representative entity is

installed on or in the primary user device (col. 2, lines 23-24; col. 3, lines 11-19; and col.

5, lines 24-38), please refer above for the motivation of applying the aspect of offline

validation as is disclosed by Xu et al. The combined teachings fail to disclose of a

transferring software to a secondary device. It is taught by Barber et al that licensed

software can be used on multiple workstations (secondary devices) and authorized is

checked to see if the transfer is permitted (col. 2, lines 21-36 & 49-67). It would have

been obvious to a person of ordinary skill in the art at the time of the invention to have

been motivated to allow multiple copies of licensed software to be used on different

computers. The teachings of Barber et al disclose of motivation for doing so by reciting

of the need to manage licenses that are to be run on multiple nodes (secondary

devices) and to limit the number of copies of a program the are executing

simultaneously on the nodes of a network which in turn protects the vendors protected

software from being illicitly used (col. 2, lines 6-9 and col. 3, lines 30-42). It is obvious

that the combined teachings of Ananda and Xu et al would have allowed the

incorporation of Barber et al and the feature of limiting the simultaneous copies to

authorized computers.

As per claim 16, it is taught by Ananda wherein the authorized representative

entity is installed on or in the primary user device and wherein controlling access

comprises modifying the software to generate reduced quality software (col. 10, lines 4-

15). The teachings of Barber et al are relied upon for managing licenses that are to be

run on multiple nodes (secondary devices) and to limit the number of copies of a

program the are executing simultaneously on the nodes of a network which in turn

protects the vendors protected software from being illicitly used. Please refer above for

the motivation of applying the teachings of Barber et al.

As per claim 17, Ananda discloses wherein the primary user device comprises a

computer (col. 10, lines 4-15). The teachings of Barber et al are relied upon for

disclosing of a secondary device comprises a digital audio player (col. 10, lines 4-15).

Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 18, Ananda teaches of controlling access to the software by the

user device (col. 10, lines 4-15). The teachings of Barber et al are relied upon for

disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the

motivation of applying the teachings of Barber et al.

As per claim 19, it is disclosed by Ananda wherein the step of controlling access

to the software is performed by the primary user device (col. 10, lines 4-15).

As per claims 24 and 25, it is taught by Ananda wherein the step of obtaining

automatically obtaining registration information comprises prompting the user to identify

a device (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 26, Xu et al teaches wherein the step of determining is performed by an authorized representative entity installed on the primary user device in communication with the device (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 27, it is disclosed by Ananda wherein the device is in wireless communication with the primary user device (col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 28, it is taught by Ananda wherein the device is a personal digital assistant (col. 6, lines 57-63 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 29, Ananda discloses wherein the step of controlling access to the software comprises preventing transfer of at least a portion of the software to the device (col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 30, Ananda teaches wherein the step of controlling access to the software comprises preventing the device from utilizing the software (col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 31, it is disclosed by Ananda wherein the step of controlling access comprises providing a second file type for use with the device (col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 32, it is taught by Ananda wherein the steps of obtaining, generating, and associating are performed by the primary user device and the steps of determining and controlling are performed by the device (col. 3, lines 11-15 & 21-28 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 33, Ananda discloses of further comprising encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 35, it is disclosed by Ananda of further comprising disabling means for generating the authentication code (col. 3, lines 16-49).

As per claim 36, it is taught by Ananda wherein the software is included in a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 37, Ananda discloses wherein the authentication code at least

partially corresponds to a device manufacturer (col. 9, lines 5-6 and col. 10, lines 4-15).

The teachings of Barber et al are relied upon for disclosing of a secondary device (col.

10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber

et al.

As per claim 38, Ananda teaches wherein the authentication code at least

partially corresponds to a specific type of device (col. 9, lines 5-6 and col. 10, lines 4-

15). The teachings of Barber et al are relied upon for disclosing of a secondary device

(col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of

Barber et al.

As per claim 39, it is disclosed by Ananda of further comprising securing the

authentication code to hinder user tampering (col. 9, lines 25-34 and col. 10, line 63

through col. 11, line 8). The teachings of Barber et al are relied upon for disclosing of a

secondary device (col. 10, lines 4-15). Xu et al is relied upon for installing an authorized

representative entity on or in at least one of the primary user devices (col. 2, lines 23-

24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of

applying the aspect of offline validation as is disclosed by Xu et al. Please refer above

for the motivation of applying the teachings of Barber et al.

As per claim 47, it is disclosed by Ananda wherein a remote authorized

representative entity determines whether the device is authorized (col. 10, lines 4-15).

The teachings of Barber et al are relied upon for disclosing of a secondary device (col.

10, lines 4-15). Xu et al is relied upon for installing an authorized representative entity

on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al. Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 51, it is disclosed by Ananda wherein the step of obtaining registration information comprises automatically obtaining hardware information associated with the device (col. 3, lines 11-49 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 52, it is taught by Ananda wherein the authentication code at least partially corresponds to a device manufacturer (col. 9, lines 5-6 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 53, Ananda discloses wherein the authentication code at least partially corresponds to a specific type of device (col. 9, lines 5-6 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 54, Ananda teaches wherein the step of linking comprises embedding the authentication code within the software (col. 3, lines 11-49).

As per claim 55, it is disclosed by Ananda wherein the step of linking comprises modifying the software based on the authentication code for use by an authorized device (col. 3, lines 11-49 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 56, it is taught by Ananda wherein the step of controlling access to the software comprises preventing the software from being transferred to an unauthorized device (col. 3, lines 11-49 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 57, Ananda discloses wherein the step of controlling access to the software comprises preventing unauthorized devices from utilizing the software (col. 3, lines 11-49 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 58, Ananda teaches wherein the steps of obtaining registration information, generating an authentication code, and linking the authentication code are preformed prior to the step of distributing the software to a user (col. 3, lines 11-49 and col. 10, lines 4-15).

As per claim 59, it is disclosed by Ananda wherein the step of distributing the software comprises distributing the software on a computer readable storage medium (col. 3, lines 57-63 and col. 9, lines 35-36).

As per claim 60, it is taught by Ananda wherein the step of distributing the software comprises electronically distributing the software (col. 3, lines 19-32).

As per claim 61, Ananda discloses of installing an authorized representative entity on at least one of the primary device (col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 62, Xu et al is relied upon for installing an authorized representative entity on or in at least one of the primary user devices from a computer readable medium (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 63, Xu et al is relied upon for installing an authorized representative entity on or in at least one of the primary user devices from a network (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al

As per claim 64, it is taught by Ananda wherein the step of controlling access to the software comprises preventing the software from being transferred to a device unit (col. 3, lines 11-49 and col. 10, lines 4-15). Xu et al is relied upon for installing an authorized representative entity on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 65, Ananda discloses wherein the step of obtaining registration information comprises automatically obtaining registration information associated with the primary device (col. 3, lines 11-49 and col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 66, Ananda teaches wherein the step of controlling access comprises restricting access to the software by the device unless the device can be automatically identified by the authorized (col. 3, lines 11-49 and col. 10, lines 4-15). Xu et al is relied upon for installing an authorized representative entity on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al. The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 67, it is disclosed by Ananda wherein the step of controlling access comprises providing limited access by the device if the device can not be automatically identified by the authorized representative entity (col. 3, lines 11-49 and col. 10, lines 4-15). Xu et al is relied upon for installing an authorized representative entity on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al. The teachings of Barber et al are relied upon for

disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the

motivation of applying the teachings of Barber et al.

As per claim 68, it is taught by Ananda wherein the step of controlling access

comprises providing a second file type for use with the device (col. 6, lines 57-65 and

col. 10, lines 4-15). The teachings of Barber et al are relied upon for disclosing of a

secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying

the teachings of Barber et al.

As per claim 69, Ananda discloses wherein the primary user device comprises a

computer (col. 6, lines 57-63 and col. 10, lines 4-15). The teachings of Barber et al are

relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above

for the motivation of applying the teachings of Barber et al.

As per claim 70, Ananda teaches wherein the device comprises a cellular

telephone (col. 6, lines 57-63 and col. 10, lines 4-15). The teachings of Barber et al are

relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above

for the motivation of applying the teachings of Barber et al.

As per claim 71, it is disclosed by Ananda wherein the device comprises a

portable user device (col. 6, lines 57-63 and col. 10, lines 4-15). The teachings of

Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15).

Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 72, it is taught by Ananda wherein the authorized representative

entity installed on the primary device comprises a hardware device (col. 10, lines 4-15

and col. 11, lines 61-65).

As per claim 73, Ananda discloses wherein the authorized representative entity comprises software (col. 10, lines 4-15 and col. 11, lines 61-65). Xu et al is relied upon for installing an authorized representative entity on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al

As per claim 74, Ananda teaches wherein the authorized representative entity comprises hardware and software (col. 10, lines 4-15 and col. 11, lines 61-65). Xu et al is relied upon for installing an authorized representative entity on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines 11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 75, it is disclosed by Ananda of contacting a remote authorized representative entity if the authorized representative entity is unable to authenticate the device based on the authentication code (col. 1, lines 17-19; col. 10, lines 4-15; and col. 11, lines 61-65). The teachings of Barber et al are relied upon for disclosing of a secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 76, it is taught by Ananda wherein the step of controlling access to the software is performed by the device (col. 1, lines 17-19; col. 10, lines 4-15; and col. 11, lines 61-65). The teachings of Barber et al are relied upon for disclosing of a

secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 77, Ananda discloses wherein the step of controlling access to the software is performed by a remote authorized representative entity (col. 1, lines 17-19 and col. 11, lines 61-65).

As per claim 78, Ananda teaches wherein the step of controlling access to the software comprises modifying the software so the software is unusable (col. 10, lines 8-15).

As per claim 79, it is disclosed by Ananda wherein the software is included in a computer readable storage medium (col. 6, lines 57-63 and col. 9, lines 35-36).

As per claim 80, it is taught by Ananda of encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 83, it is disclosed by Ananda wherein the step of obtaining registration information comprises automatically obtaining hardware information associated with the portable user device (col. 3, lines 11-28).

As per claim 84, it is taught by Ananda wherein the registration information corresponds to a device (col. 3, lines 11-15). The teachings of Barber et al are relied upon for disclosing of a grouping of secondary device (col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of Barber et al.

As per claim 85, Ananda discloses wherein the authentication code corresponds to a device (col. 3, lines 11-15). The teachings of Barber et al are relied upon for

disclosing of a grouping of secondary device (col. 10, lines 4-15). Please refer above for

the motivation of applying the teachings of Barber et al.

As per claim 86, Ananda teaches wherein the authentication code at least

partially corresponds to a device manufacturer (col. 6, lines 57-63 and col. 10, lines 4-

15). The teachings of Barber et al are relied upon for disclosing of a secondary device

(col. 10, lines 4-15). Please refer above for the motivation of applying the teachings of

Barber et al.

As per claim 87, it is disclosed by Ananda wherein the authentication code at

least partially corresponds to a specific type of device (col. 6, lines 57-63 and col. 10,

lines 4-15). The teachings of Barber et al are relied upon for disclosing of a secondary

device (col. 10, lines 4-15). Please refer above for the motivation of applying the

teachings of Barber et al.

As per claim 88, it is taught by Ananda wherein the steps of obtaining registration

information, generating an authentication code, and associating the authentication code

are performed by a remote authorized representative entity (col. 3, lines 11-15 & 21-28).

As per claim 89, Ananda discloses wherein the steps of obtaining registration

information, generating an authentication code, and associating the authentication code

are performed by the user computer (col. 3, lines 9-26).

As per claim 90, Ananda teaches wherein the step of controlling access is

performed by the portable user device (col. 6, lines 57-63 and col. 10, lines 4-15).

As per claim 91, it is disclosed by Ananda wherein the step of controlling access

comprises determining if a portable user device includes an authorized representative

entity; and transferring the software to the portable user device (col. 3, lines 9-26 and

col. 10, lines 4-15). Xu et al is relied upon for installing an authorized representative

entity on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines

11-19; and col. 5, lines 24-38), please refer above for the motivation of applying the

aspect of offline validation as is disclosed by Xu et al.

As per claim 92, it is taught by Ananda wherein the step of controlling access

further comprises determining if the portable user device is authorized to access the

software based on the at least one authentication code using the authorized

representative entity on the portable device; and controlling access to the software by

the portable device using the authorized representative entity (col. 3, lines 9-26 and col.

10, lines 4-15). Xu et al is relied upon for installing an authorized representative entity

on or in at least one of the primary user devices (col. 2, lines 23-24; col. 3, lines 11-19;

and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of

offline validation as is disclosed by Xu et al.

As per claim 93, Ananda discloses wherein the step of controlling access

comprises modifying the software if the portable device is not authorized to access the

software (col. 10, lines 8-15).

As per claim 94, Ananda teaches wherein the step of modifying the software

comprises reducing quality of content contained in the software (col. 10, lines 8-15).

As per claim 95, it is disclosed by Ananda wherein the step of modifying the

software comprises rendering the software unusable on any portable device (col. 10,

lines 8-15).

4.   Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Ananda, U.S. Patent 5,495,411 in view of Barber et al, U.S. Patent 5,390,297 in further

view of Xu et al, U.S. Patent 6,915,425 in further view of Grundy, U.S. Patent

5,291,598.

       As per claim 34, Ananda teaches of further comprising associating an identifier

with the software to trigger authentication by an authorized representative entity (col. 3,

lines 11-49). The combined teachings fail to disclose of allowing the software to

function if authorization is not detected based on an identifier not being detected. It is

disclosed by Grundy of ownership details records being reviewed and if there is no

information in regards to a full-function mode, the software will continue to operate (col.

5, lines 39-49). It would have been obvious to a person of ordinary skill in the art at the

time of the invention to have been motivated to apply controls for dictating software

usage requirements. The teachings of Grundy recite of motivational benefits by

disclosing of the need to permit consumers to evaluate products more efficient and to

provide for means to protect against privacy (col. 4, lines 9-18). It is obvious the

combined teachings would have benefited from the disclosure of Grundy in that further

protection would have been added by allowing software to function even if not in a fully

operational mode.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Christopher A. Revak/
Primary Examiner, Art Unit 2131